

Date of Order

:

09-08-2004

HON'BLE MR. N.P.GUPTA,J.

Mr.Bheem Kant Vyas , for the petitioner.

Heard learned counsel for the petitioner.

Perused the order of Board of Revenue as also the order of Collector dated 24.2.1997, whereby the learned Collector had dismissed the review petition. It appears that there is some dispute about the quantum of land so also the quantum of compensation being paid. It transpires that the Collector determined the compensation with the consent, and as appears from original order, that extent of land was also matter of consent. However, by review, that order was sought to be reviewed on the ground that compensation was paid to one Kashiram, and not to other person Chanan Ram, and that the extent of land agreed to be given, was also to the lesser extent. The learned Collector, dismissed the review petition, holding that none of the ground, on which the order can be reviewed, have even been alleged, and the original order was passed with the consent of parties. Therefore, the order cannot be reviewed. The learned Board of Revenue relying upon the Judgment of Hon'ble Supreme Court reported in 1997(8) SCC,480 (Parsan Devi Vs. Sumitri Devi), has held that a review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error, and has then, held that petitioner has failed to show any patent error in the order of Board of Revenue, so as to show the order of Collector dated 24.2.97, to be erroneous.

Having considered the orders, and having heard learned counsel, I do not find any sufficient ground to interfere with the order of Board of Revenue. The writ petition is, therefore, dismissed summarily.

(N.P.GUPTA),J.

Srawat/-